

5/7/12 (8)

**BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING
February 27, 2012**

Executive Session 6:00 - 7:00 P.M. To Discuss Real Estate

**Acton Town Hall
Francis Faulkner Hearing Room
7:00 P.M.**

Present: Mr. Gowing, Ms. Harting-Barrat, Ms. Adachi, Mr. Clough, Mr. Sonner and Town Manager Ledoux, Recording Secretary Christine Joyce. The public portion of the meeting was televised.

Mr. Clough - Move to go into Executive Session to discuss real estate, and to allow Assistant Town Manager John Murray and Finance Committee Vice Chairman Doug Tindal to join the Executive Session. Ms. Adachi – Second. Clerk roll call: Ayes, 5, Nays, 0. UNANIMOUS VOTE.

CITIZENS' CONCERNS

None.

CHAIRMAN'S UPDATE & OPERATIONAL MINUTE

The next All-Boards/Committees-Chairmen meeting will be at the new ActonTV studio. There will be hearings in Boston and Fitchburg about the proposed MBTA fare increases and service cutbacks.

Mr. Ledoux reminded everyone that the STAR Recognition Evening, honoring employees with over 30 years of service, will be on 3/8. He and other Town staff members will be appearing before the Finance Committee tomorrow night to answer questions about the budget. There were 39 applicants for Fire Chief Craig's position; 6 finalists will go through an assessment involving the simulation of different scenarios to see how candidates think on their feet. The Acton Leadership Group will not be meeting this week and will be looking at an alternative date of 3/8.

PUBLIC HEARINGS & APPOINTMENTS

SIEMENS CHALLENGE: BLACK GOLD MINERS

The Black Gold Miners student team did a slide presentation on their project to encourage increased composting in Acton.

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SIEMENS CHALLENGE: ACE REDUCERS

The Ace Reducers student team did a slide presentation on their project to recycle and re-use tennis balls and reduce the volume of old tennis balls in landfills.

SIEMENS CHALLENGE: GREEN CHEMISTRY

The Green Chemistry student team did a slide presentation on their project to increase the awareness of green chemistry, which aims to reduce the use of harmful chemicals and increase the use of non-toxic alternatives.

AMENDMENT OF TRAFFIC RULES AND ORDERS, ROUTE 111 WAVE PROJECT

Town Engineer Corey York explained the proposal to expand the availability of two-hour on-street parking on Route 111 to reduce the problem of people parking all day in front of the WAVE buildings and preventing customer access to the businesses. The eventual plan is for further expansion of two-hour parking on the street.

Mr. Sonner – Move to accept the proposed amendment of parking limits in front of the WAVE project. Ms. Harting-Barrat - Second. UNANIMOUS VOTE.

REGIONAL STUDY COMMITTEE REPORT TO THE BOARD OF SELECTMEN

Co-Chairman Mac Reid and Committee member Xuan Kong presented did a slide presentation on the Regional Study Committee's research and findings. The Committee's charge was to explore the viability of full regionalization and to look at the impact on the regional agreement. Regionalization would not change the percentage of the budget going to the schools but the regional assessment would expand to 2/3 from the current 1/3 of the budget. The presentation provided an overview of governance issues, educational impacts, financial analysis and the proposed warrant article seeking guidance from each town on the regionalization issue. The Town Meeting votes will not be on regionalization itself but to authorize moving forward with revisions of the regional agreement. If either town does not approve of moving forward, the Study Committee will wind down its work.

Mr. Sonner asked for clarification of how the state transportation subsidy would be an advantage of regionalization. He asked about actual as opposed to predicted savings resulting from regionalization; Mr. Reid said there are two sources of savings: elimination of duplicative positions and the transportation reimbursement.

Mr. Clough said that the relationship between the Town and the region is one concern, so good communication between the Town and the region about the assessment being essential; the other concern is the potential savings.

Ms. Harting-Barrat asked about incentives that formerly existed for regionalization. Mr. Reid said most other than the transportation subsidy went away.

Mr. Gowing asked what happens if Acton wants to regionalize and Boxborough wants to move toward unionizing, that is, sharing administrative resources, with another town: Mr. Reid said regionalization would be dead.

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John Petersen, 6 Jackson Drive, asked when the Regional, Acton and Boxborough School Committee opinions would have to be provided to be in the warrant. Mr. Ledoux said by the end of next week. Mr. Petersen said that if the School Committees did not make the deadline, they would have handouts at Town Meeting.

STATE LEGISLATORS' UPDATES TO THE BOARD

State Senator Jamie Eldridge and State Representative Jen Benson provided legislative updates to the Board. State Representative Cory Atkins was unable to attend due to illness.

Sen. Eldridge provided a handout about his approach to the budget: local aid, preserving funding for the social safety net, advocating for a fair and stable tax system, preventing deeper cuts in funding for environmental protection, stimulating economic developing, investing in transportation, including protecting mass transit services. He continues to advocate for the pending amendment of the Community Preservation Act and the bottle bill.

Rep. Benson mentioned the reform of two years ago, tying the transportation regionalization reimbursement to the level of Chapter 70 funds. The reimbursement originally was to be funded at 100%, but has dropped well below in recent years. She described her efforts in behalf of senior citizens.

Mr. Clough asked whether there are proposals for relief to municipalities respecting Other Post Employment Benefits. Sen. Eldridge said the legislature did pension reform but that is it. Rep. Benson said there is talk of setting up a trust fund; the state would not assume liability but would provide towns with tools to address the obligation.

Mr. Gowing asked about the status of House Bill 901, which will authorize the use of parking funds for rail shuttles. Rep Benson said it has been through the 1st and 2nd readings and is stalled in the third reading. Mr. Gowing also asked about the senior tax relief bill.

Ms. Adachi asked about the status of the municipal utility amendment bill. Sen. Eldridge said it has been reported out of committee with some changes that concern Rep. Kaufman. She asked whether the mandatory matching provision of the proposed CPA amendment was controversial; Rep. Benson said the bill is in her committee and the goal is get the whole bill approved. Ms. Adachi asked about Rep. Benson's proposal to enable the provision of Special Education services closer to home.

Ms. Harting-Barrat noted with the changing definition of autism, families were concerned that they would lose services if children no longer fit the definition. Rep. Benson said the problem was not limited to autism.

Mr. Sonner asked about the CLURPA zoning reform proposal. Sen. Eldridge said it still was in the Committee on Municipalities and unfortunately the development community and the Massachusetts Municipal Association are not supportive.

John Petersen said that SPED and normal-learning students were alike in many ways and that SPED students were a pretty small population.

Paul Henrion, 4 Townsend Road – Expressed concern about the public pension system and obligation.

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GREAT ROAD BAR AND GRILLE, INC. D/B/A TAILGATERS, 166 GREAT ROAD, ALCOHOL SERVICE ISSUES

Dean Weeks, Kim Geller and Kim Reardon were present on behalf of Tailgaters. Mr. Gowing said that they needed to persuade the Board that the drunken driving accident in June was an anomaly. Mr. Weeks, an owner, said that the restaurant learned of the investigation when the Board did. He spoke about the efforts to have a policy in place and train employees. Ms. Geller said this was the business's first incident; she said that when the business opened in April, it made an effort to change the customer service mix from younger to older and lost some business as a result. There were no incidents at the former location in Clinton; there will be another location opening in Marlborough. Mr. Sonner asked whether there was a way to expedite communications about the problem to the establishment, for example, for the Police Department to notify the establishment after an arrest; Mr. Sonner might confer with the Police Chief. Mr. Gowing said that the restaurant has a good plan of action.

SELECTMEN'S BUSINESS

ELECTION WARDENS, CLERKS AND OTHER ELECTION WORKERS, REQUEST FOR COMPENSATION INCREASE

Ms. Harting-Barrat - Move to approve. Mr. Sonner – Second. UNANIMOUS VOTE.

TOWN BUDGET DISCUSSION

Mr. Ledoux said that the Acton Leadership Group has agreed to the use of \$1.7 million in reserves; about \$700K of the deficit reduction is due to savings from the health insurance changes, leaving a \$400K gap that Mr. Ledoux and the Superintendent will work to close. As a result of the Advocare study, the proposed subsidy to the Nursing Service also has been reduced. A further reduction in the transportation subsidy also is possible.

Nursing Service

Health Director Doug Halley provided a slide presentation, updating the Board on changes since his presentation in November. Advocare has provided a helpful analysis but the Nursing Service's actual experience during the intervening 7-8 months also is instructive.

Modified CPC Projects: Windsor Avenue, Skate Park

Jennifer Friedman, Citizens Library director, ask the Board to recommend CPA funding for the Windsor Building project.

Dean Charter, Municipal Properties Director, would like to see the Windsor Building project continue in some fashion so that people are able to use the building and it is not just a theater set. His original proposal this year was for a full rehabilitation of the interior, which he modified to a proposal for \$30K. Most of the Community Preservation Committee seemed to be quite supportive of the \$30K funding; at the request of one member, he submitted a slightly expanded proposal for \$50K. Ms. Adachi explained, as the Board representative on the CPC who had the item put on tonight's agenda, that the CPC would like the Board's guidance as to the importance of the Windsor project to the Town as a whole; the Board did not make that clear in its original memorandum to the CPC, ranking Town proposals for CPA funds. Ms. Adachi added the Skate

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Park project to the agenda only because it has changed substantially since the Board last heard about it; the CPC already has voted to recommend the project and is not seeking the Board's guidance on it. Ms. Harting-Barrat affirmed that the Board historically has provided guidance

Lauren Rosenzweig-Morton urged the Board to support the use of \$50,000 for the Windsor Building rehabilitation.

Ms. Harting-Barrat –Move to support the \$50,000 funding. No second. Motion fails.

Mr. Gowing noted the need for the Board to be informed of significant changes in projects after the Board submits its recommendations to the CPC. He suggested that the Planning Director Roland Bartl and the CPC Chairman come before the Board at some point to discuss the process of communication in future about Town proposals for CPA funding. Mr. Clough and Ms. Adachi both emphasized the need for the Town to do the Space Assessment Study.

PARKING METER/FEE DISCUSSION – COMMUTER PARKING

Corey York provided a slide presentation about the increasing demand for parking and proposed meter upgrades and fee increases at the South Action train station. The existing meters are reaching the end of their service lives, so the Town has been looking at multi-space pay station meter systems. The systems would help the police with enforcement and would be very customer-friendly, very flexible, with a range of payment options. The meter stations could go under the canopy of the new train station, with installation occurring when the station construction is near an end; alternatively, the Town could try to install the new metering systems before the station work was done, although the ongoing construction could make that option complicated. The MBTA would provide the Town with a communications room in the station.

Mr. York did a fee analysis, taking into account the cost of maintaining the parking lots and elevator and factors such as the projected revenues from the park-and-ride shuttle; he presented three different scenarios of fee increases. Mr. Sonner thinks the Town's fees should be high enough not to provide an incentive to someone in a bordering town to park in Acton. Mr. Gowing said that the Town needs to motivate people to use the shuttle service. He asked whether the new meters could be programmed to recognize that a customer is a resident and include the resident discount: yes.

Franny Osman spoke about how happy she was with the progress that has taken place over the last two years with regard to metering. She said the fee-setting should take into consideration the length of the trip and what bordering towns charge for parking and other issues. The additional parking in Littleton will change things, and Littleton will have a center platform and be a turnaround point. She said some commuter lines allow the use of Charlie Cards. She noted that using the shuttle did not have to involve a car at all and people could catch the shuttle on a main road. The Board agreed on a need for a public hearing sometime after Town Meeting about fee increases. Mr. Sonner – Move to authorize the Town Manager to set up a public meeting on the proposed fee increases. Ms. Harting-Barrat - Second. UNANIMOUS VOTE.

SELECTMEN'S REPORTS

Mr. Sonner - Acton 2020 will reviewing the final plan to go before Town Meeting. The Green Advisory Board is working on a Green Communities grant application, which includes updating the five-year plan, and is working on the Solarize Massachusetts application.

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Mr. Clough – Leo Bertolami went before the Design Review Board with a completely different Sudbury Road project that the DRB loved: residential upstairs, with one bay downstairs. The Economic Development Committee continues to work on simplification of the sign bylaw. 75% of the commercial space in Acton is occupied which means lots of space is available.

Ms. Harting-Barrat – The Acton Housing Authority is seeking an additional \$300K for the Sachem Way project. The Planning Board will be reviewing the zoning bylaw articles at the next meeting. The Schools budget is up 4.2% because many things have not been addressed for years, such as the temporary mobile classroom at the Gates School.

Ms. Adachi – The Acton-Boxborough Cultural Council completed its award decisions and is planning its year-end reception. The Acton Community Housing Corporation learned that the Department of Housing and Community Development provided the initial site approval for the Acton Meadows; the next step is the comprehensive permit process before the Zoning Board of Appeals. There is a difference of opinion about the Route 2 crossing for the Bruce Freeman Rail Trail; Concord prefers the diagonal configuration but Planning Director Roland Bartl and Ms. Adachi have reservations about the expense and visual impact of the longer span, in contrast to the perpendicular configuration. The Water Resources Advisory Board continues to work on the second bylaw, which will not be on the warrant this year; the amendment of the first bylaw will be on the warrant.

Mr. Gowing – The Health Insurance Trust set the rates for the coming year and employees will be pleased. The Senior Center Building Committee took a trip to Northborough and will be visiting Hopkinton. The Historic District Committee heard from the Rosenfeld's, who have concluded that the barn is not salvageable.

CONSENT

Item 17 – Held by Mr. Sonner who wanted to clarify that this is a Green Advisory Board partnership with Sagewell, Inc., to get at least 400 Acton homeowners to sign up for free drive-by thermal imaging of their homes.

Ms. Adachi – Move to approve. Ms. Harting-Barrat – second. All Ayes. UNANIMOUS VOTE.

Move to adjourn at 11:45 p.m.

Christine Joyce, Recording Secretary

Janet K. Adachi, Clerk

Date: _____

**BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING
February 6, 2012**

**Acton Town Hall
Francis Faulkner Hearing Room
7:00 P.M.**

Present: Mr. Gowing, Ms. Harting-Barrat, Ms. Adachi, Mr. Clough, Mr. Sonner calling in remotely and Town Manager Steven Ledoux, Recording Secretary Christine Joyce. The meeting was televised.

CITIZENS' CONCERNS

None.

CHAIRMAN'S UPDATE AND TOWN MANAGER'S OPERATIONAL MINUTE

Mr. Gowing noted the upcoming Winter Carnival at NARA Park. "Today in America" has approached Acton about doing a piece about the Town as a hidden jewel. Three Acton candidates are running for two openings on the School Committees; there is one candidate each for the Selectmen, Memorial Library Trustee, Acton Housing Authority, Acton Water District and Town Moderator.

Mr. Ledoux reported that four of eight unions have ratified the proposed health insurance plan changes, including the patrol superior officers, school office workers. Highway workers will vote next will vote by Tuesday. The school employees are voting on Tuesday as well. The agreed upon deadline is 2/10. The Board will have a joint meeting with the Finance Committee on 3/6 about Minuteman Technical Institute, including the school's proposal to amend the FY12 assessments of member schools to cover repairs over the summer. The first recognition ceremony for long-time Town employees will be on 3/8.

PUBLIC HEARINGS & APPOINTMENTS

MIRACLE FIELD PRESENTATION

Mr. Gowing introduced the proponents, Acton residents Lauren and Andy Richardt, speaking on behalf of Miracle Field of Massachusetts, a non-profit organization. Miracle Field provides playing fields for children, ages 5-18, with physical and other disabilities, and the Massachusetts organization hopes to create the first New England Miracle Field in Acton. They started in 2008 with 42 participants and currently are up to 105 on six teams. Junior high and high school students volunteer to work as "buddies" with the children. The group is currently using the Blanchard Memorial field but the field is not safe, even for able-bodied children, is surrounded by a marsh and there are no fences to protect children from the marsh or traffic. They approached the Acton Recreation Commission and Mr. Gowing about building a field at NARA that would be safe and inclusive. The idea would be to start with children and expand to include adults; in other parts of the country, veterans and other adults have discovered Miracle Fields

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and started using them. The Massachusetts organization currently is fundraising and would like to start construction this summer.

Mr. Sonner, as Board liaison to the Recreation Commission, asked if the field would be for the exclusive use of Miracle Field users. Ms. Richardt said the use would be prioritized, with Miracle Field users on Saturday, and others welcome to use the field during the week.

Mr. Gowing noted that Miracle Field is hoping the Town will donate the land for the field. Others are prepared to donate the engineering and other services. The organization has raised \$210,000 thus far and is hoping to raise \$425,000 or the equivalent in in-kind services. The field is durable, low-maintenance, and has a life of 15-20 years.

Mr. Clough asked whether the field was comparable to the size of Little League field: yes. Ms. Harting-Barrat asked about the availability of shade other than trees; Ms. Richardt said the dugouts will be covered, the teams play in the morning when it is cooler, do not play in the summer, and are provided with water. Ms. Adachi asked whether the plan was to use the field more of the day and who would coordinate use of the field by others in the community; the Richardts confirmed that the field would be used more of the day, and the Recreation Department would coordinate the use of the field by other groups.

Ms. Richardt noted that the surface can be used for basketball and soccer, and organizations in other parts of the country are developing multi-purpose fields.

Franny Osman asked whether there would be running water and toilets on-site. Mr. Gowing said that there is water on-site but there has been discussion of providing facilities other than the current portable ones, especially for people who need assistance in the facilities.

NURSING SERVICE CONSULTANT, ADVOCARE, Inc.

Mr. Ledoux summarized the events leading to the hiring of consultant Advocare. The Town Manager's budget for FY13 has recommended \$400K for the Acton Nursing Service. Mr. Clough suggested that some operational metrics would be helpful to the Selectmen and other boards in deciding what the support for the Nursing Service should be. Mr. Ledoux put out a request for proposals and hired Advocare, whose principal, Sandra Klapprodt, has had to do an analysis and report in a very short time.

Ms. Klapprodt provided a slide presentation on the findings, based on information she collected with help from the Nursing Service "Tiger Team," to whom she presented the findings earlier. Among the findings: the number of referral sources has increased but the number of referrals has declined; the utilization data were unavailable; no strategic marketing plan is in place and there is market competition; the net loss per visit has been increasing since FY09, which does not reflect on the quality of care, which is commendably above average, but means the internal mechanisms of the Nursing Service have not been adapting to the changing climate; revenue numbers based on past revenues do not account for the payor-mix changes; salary cost per visit exceeds the revenue generated per visit; to break even for FY12, the salary cost would have to drop 40% but even then the Nursing Service would not be viable due to the insufficiency of billable visits; the Nursing Service needs to increase revenue in order to be viable.

John Petersen asked whether all of the slides reflected fiscal years or calendar years: fiscal.

Ms. Harting-Barrat asked whether Acton could incorporate other services, such as palliative care, and whether other towns provide these services. Ms. Klapprodt discussed hospice care with the Tiger Team but it has not been pursued. Ms. Harting-Barrat asked about marketing and said now was the time to get professional marketing help.

Mr. Sonner asked whether referrals drive visits that generate fees. Ms. Klapprodt confirmed that more referrals would help with visits, but you also need to consider the payor mix. Mr. Sonner also asked how increasing marketing and increasing the number of visits will help if the Town is losing money with each visit. Ms. Klapprodt said that increased volume can increase the payor mix, which in turn can help you get more of the payors you want.

Mr. Gowing asked why there is only one doctor among the top six referral sources. Ms. Klapprodt said there are many referring doctors but only one among the top six referral sources.

Mr. Clough asked whether the Town has to provide all of the services for an “episode” or can omit the unprofitable part. Ms. Klapprodt said the Town must provide all of the services that the referring physician requires. Mr. Clough asked whether if marketing increases and the Town uses per-diem staff to provide services, that will help to get the Nursing Service to profitability. Ms. Klapprodt said that requires more analysis that was not possible due to the unavailability of certain data.

Ms. Adachi asked whether the Medicare “above average” classification of the Nursing Service and other services in the Appendix A list of services available in the area and in the Town, means that the competing services are comparable. Ms. Klapprodt said yes, based on the Medicare standards for that classification. Health Director Doug Halley noted that only the Nursing Service and Parmenter had received Home Care Elite Awards.

Mr. Halley also noted that the Nursing Service is seeing an increase in people receiving free care, currently 12% of the caseload; Heather Hurley of the Nursing Service explained that the free-care patients are only in Acton and include people who choose not to have insurance or who have MassHealth coverage that does not include home care, and the Nursing Service limits the care it provides in such cases.

Charlie Kadlec noted that the total cost per visit has not changed much in several years, and asked about the reasons for the decreased revenues resulting in the increased deficit. He also echoed Mr. Sonner’s question about whether increasing referrals will just increase losses.

Elaine Gardner, a nurse with the Nursing Service for four years, asked about net loss per visit. She said the Nursing Service provides a reliable, quality service and she believes that it can be profitable again. Marketing is paramount.

ALL ALCOHOL LICENSE AS A COMMON VICTUALLER, BEYOND BORDERS TEX-MEX RESTAURANT, 103 NAGOG PARK

Mr. Nogueira appeared with his attorney. He is aiming to have a family restaurant with more seating and less standing at the bar. He has completed TIPS training and will be sure that all staff members are certified. Ms. Harting-Barrat – Move to approve the Full Liquor License as a Common Victualler. Mr. Clough – Second. Clerk roll call: Ayes, 5, Nays, 0. UNANIMOUS VOTE.

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**APPLICATION FOR A CLASS I CAR DEALERS LICENSE SANTILLI ENTERPRISES, INC.,
D/B/A VILLAGE SUBARU, 50 POWDER MILL ROAD**

Leo Bertolami introduced Ron Santilli and provided background on the license application. The facility will be an extension of the facility across the street. The Conservation Commission has reviewed the proposal. Mr. Gowing – Move to approve the Class I Car Dealer's License at 50 Powder Mill Road. Ms. Harting-Barrat – Second. Clerk roll call: Ayes, 5, Nays, 0.
UNANIMOUS VOTE

SELECTMEN'S BUSINESS

**BOY SCOUT COURTS OF HONOR FOR WILLIAM CHRISTOPHER FULBROOK HANNA,
COLIN ANDREW MCKINLEY, MICHAEL ALEXANDER SZEWDZYK, MARCH 7, 2012**

Ms. Adachi will attend on behalf of the Board.

SELECTMEN'S REPORTS

Mr. Sonner – Acton 2020 will do a presentation of the master plan at its 3/6 meeting. The Recreation Department and Recreation Commission had a successful Winter Carnival. The MBTA is a month or so behind in getting the bids out for the South Acton train project; the original plan was to break ground in June. The Transportation Advisory Committee is pursuing a number of grants as well as new member for the committee. The Sidewalk Committee has postponed until March the vote on sidewalk rankings, and is moving ahead with plans for High Street and Martin Street. Where the Town budget is concerned, he is more concerned about the Town's long-term financial position, and would like the Board and the rest of the Town to be more aware.

Mr. Clough – Agrees with Mr. Sonner regarding the budget and need for the Board to be prepared at Town Meeting. The Design Review Board cancelled its latest meeting. Jeff Hall of the Economic Development Committee is looking to get Jessica Robertson of the MAPC to do a presentation; EDC also is trying to stay informed about the K-Mart and McDonald's site, hoping to learn why temporary signs are on hold and whether they can be enforced, planning to put out a document on how to get a sign permit in Acton, and working with the Assistant Town Manager on setting up an electronic directory for businesses.

Ms. Harting-Barrat – The Planning Board hearing on zoning bylaw articles will be on 2/21, including a proposal to allow pharmacy drive-throughs; the articles will require a 2/3rd vote at Town Meeting. The Schools, like the Town, are in the midst of budget review.

Ms. Adachi – Nancy Tavernier of Acton Community Housing Corporation reports that that the Old High School Lottery received 125 applications for 15 apartments. The proposed Bruce Freeman Trail crossing of Route 2 has Concord representatives strongly supporting the diagonal configuration, following the tracks, and Acton Planning Director Roland Bartl and Ms. Adachi, plus MA-DOT, preferring the shorter perpendicular configuration. MA-DOT wants Acton-Concord consensus before moving forward, so Mr. Bartl will be conferring with the Concord Town Planner. Since the Community Preservation Committee heard the Lower Fields project on 1/26, and several members expressed concerns based on Town Counsel's advice, the proponents have changed the funding proposal to provide for Regional District bonding and

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a cash contribution, with the skate park perhaps being the only component still before the CPC. Mr. Ledoux already has reported on the ongoing ratification by unions of the health insurance changes; Mr. Ledoux added late-breaking news that the Dispatch workers also have ratified.

Mr. Gowing – Senior Center Building Committee met this morning regarding two discussion groups about proposed community uses. At the MAGIC meeting, Franny Osman was appointed to RTAC. Maynard has purchased the Maynard Country Club and is looking for a manager. Littleton is in discussion with a developer about the Cisco land off Route 119 and a possible retail complex; the development probably would involve improvements to Route 119. He will be reviewing and making assignments of Selectmen to warrant articles in the near future.

CONSENT

Items 14, 21 – held by Mr. Clough for further explanation/clarification. Ms. Adachi – Move to approve. Ms. Harting-Barrat – Second. Clerk roll call: Ayes, 5, Nays, 0. UNANIMOUS VOTE

Move to adjourn at 9:30 p.m. Clerk roll call: Ayes, 5, Nays, 0. UNANIMOUS VOTE.

Christine Joyce, Recording Secretary

Janet K. Adachi, Clerk

Date: _____

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**BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING
January 30, 2012**

**Acton Town Hall
Francis Faulkner Hearing Room
7:00 P.M.**

Present: Mr. Gowing, Ms. Harting-Barrat, Ms. Adachi, Mr. Clough, Mr. Sonner and Town Manager Steven Ledoux, Recording Secretary Christine Joyce. The meeting was televised.

CITIZENS' CONCERNS

None.

CHAIRMAN'S UPDATE

None.

OPERATIONAL MINUTE

None.

PUBLIC HEARINGS & APPOINTMENTS

None scheduled.

SELECTMEN'S BUSINESS

HEALTH INSURANCE WORKING GROUP REPORT AND UPDATE

Mr. Gowing handed over the chairing responsibility to Ms. Adachi. Ms. Harting-Barrat and Mr. Clough disclosed their respective potential conflicts of interest. Mr. Sonner disclosed his conflict of interest, recused himself and left the meeting room.

Ms. Adachi, as Clerk, read the Motion to Invoke Rule of Necessity Relative to Chapter 69 Process, Chapter 69 Evaluation and Chapter 69 Vote. Without invoking the Rule of Necessity, the Board would lack the quorum, due to potential conflicts of interest of its members, necessary to deliberate, act, vote and proceed with respect to the subject matter. Ms. Harting-Barrat – Move, Mr. Gowing - Second. Clerk roll-call vote: Ayes, 4, Nays, 0, UNANIMOUS.

Ms. Adachi explained that she has been the Selectmen-representative on the Health Insurance Working Group, an informal discussion group comprising representatives of the unions for the Town, Regional District and Acton schools and retirees, plus the Town Manager, Human Resources Directors Marianne Fleckner for the Town and Marie Altieri for the Regional District and a representative of the School Committees. The HIWG has been meeting weekly since 12/7 to develop changes in employee health insurance plans that would produce the \$600K in

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savings that the Selectmen set as the goal when they approved the formation of the HIWG. The goal for tonight is the Selectmen's approval of the HIWG's proposal, as a first step toward implementing changes for FY13. Police Detective Chris Prehl will read a statement and there will be a slide presentation and opportunity for Board discussion and audience comments and questions.

Detective Prehl read his prepared statement.

Mr. Ledoux did a slide presentation of the work that the HIWG had done and the proposed changes on which the group had achieved consensus. The Board's approval tonight will allow time to make the necessary changes in time for open enrollment in April; the proposed plan changes already have gone to Blue Cross Blue Shield and Harvard Pilgrim Health for underwriting. All employee groups would have to vote to ratify the proposal by 2/10. Excluding the fact finding and education process during the first several weeks of meetings, the group managed to put the deal together in only three weeks, which is faster than what would have been possible under Chapter 69.

Ms. Harting-Barrat congratulated the unions for coming together. Mr. Clough said the result was great. Mr. Gowing was pleased that everyone had come together for the benefit of the Town and employees. Ms. Adachi expressed her appreciation to the HIWG members, noting that although she initially had been prepared to move forward under Chapter 69, she had ended up very favorably impressed by informal-discussion process and the progress that the HIWG achieved.

Ms. Adachi – Move to approve the HIWG proposal, Mr. Clough - Second. Clerk roll-call vote: Ayes, 4, Nays, 0. UNANIMOUS VOTE.

DISCUSSION OF FY13 BUDGET

Mr. Ledoux reported on the Acton Leadership Group meeting this morning. The Finance Committee is willing to increase the use of reserves for FY13 to \$1.7 million from \$1.5 million if there will be ongoing as opposed to one-time savings. Mr. Ledoux and Superintendent Mills will work out how to reduce reserves-use to \$1.7 million from \$2.9 million. Mr. Ledoux expects to have an operational analysis of the Nursing Service by the end of the week.

The Board discussed the issue of voting the budget tonight. Mr. Gowing said the Board would have to vote a "not to exceed" budget, on the assumption that the Town Manager and Superintendent would be able to achieve the requisite reduction. Mr. Clough asked what exactly the Board would be voting on. Ms. Adachi asked if the Selectmen were supposed to weigh in on which items to preserve, which to cut, with the two obvious targets being the Nursing Service and transportation; she said mass transportation was important and just getting started, and if the analysis of the Nursing Service indicated savings potential, the cuts should be there. Ms. Harting-Barrat disagreed, noting that there is a lot of support at the Council on Aging and Florence Ross of Friends of the Nursing Service is campaigning to inform people know about the Nursing Service. She suggested a regional approach for transportation.

Mr. Clough said his calculation indicates that we're down to \$2.4 million in reserves use, and need to cut another \$700K, which could be difficult. We will see what happens with the analysis of the Nursing Service; he hopes the Town can find more savings. He said the transportation services are a work in progress but we need to accelerate the process of coordinating the different services. Cutting the capital items would not have much of an impact on FY13.

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Mr. Ledoux said that the budget had a \$2.9 million deficit, which health insurance-related savings of \$800K would reduce to \$2.1 million, with an additional \$400K in savings needed.

Mr. Sonner asked about the potential for savings in capital items such as the Town Hall renovation or Senior Center design proposal. He would take off the proposed generator and Town Hall renovation. He said the Senior Center design should be delayed until we resolve the issue of whether to pursue a senior center or a community center and have public support for moving forward. He would like to keep the transportation service running this year but will not support funding in the future if the currently separate services are not integrated.

Mr. Gowing said the Board cannot rely on anecdotal evidence about the affordability of the Nursing Service and needs to see the study; and the transportation proponents are working on in consolidation of dispatch services. Also, House Bill 901, which will allow the use of train station parking meter monies for purposes other than parking lot maintenance, for example, the rail shuttle, has surmounted the major hurdles.

On the issue of Other Post Employment Benefits, Mr. Ledoux reported that the ALG consensus was for \$500K in FY13. Mr. Gowing noted that the Regional District had not yet approved any amount of OPEB funding.

Doug Tindal said that the long-term \$13 million deficit projection is not going to go down, so it would be better to make small cuts now rather than big, painful ones later. With the OPEB obligation, the deficit projection is in the \$16M range.

Steve Noone said that OPEB is not driving the deficit in the upcoming years. The problem is that we don't balance our budgets: revenues go up annually and expenses do, too. For FY14, we're already in the hole by \$1M.

Charlie Kadlec does not want to lose the Nursing Service, and asked why the Nursing Service suddenly developed \$400K deficits are doing okay for a long time. If something internally has changed to cause the problem, the Town needs to look at it. He added that if the Town and Schools are going to propose the budgets that currently are on the table, they should put the budgets on the ballot for an override vote and let the voters decide whether they want it.

BOARD OF SELECTMEN'S VOTE, FY13 BUDGET

Ms. Adachi – Move to approve the budget as presented not to exceed \$29,187,915, and to direct the Town Manager to work with Superintendent Mills to reduce the use of reserves to a level that will be acceptable and sustainable to the Finance Committee. – Ms. Harting-Barrat - Second. UNANIMOUS VOTE

SELECTMEN'S REPORTS

None.

CONSENT AGENDA

None.

Move to adjourn at 8:40 p.m.

final

Christine Joyce, Recording Secretary

Janet K. Adachi, Clerk

Date: _____

final

**BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING
January 23, 2012**

**Acton Town Hall
Francis Faulkner Hearing Room
7:00 P.M.**

Present: Mr. Gowing, Ms. Harting-Barrat, Ms. Adachi, Mr. Clough, Mr. Sonner calling in remotely and Town Manager Ledoux, Recording Secretary; Christine Joyce. The meeting was televised

CITIZENS' CONCERNS

None

CHAIRMAN'S UPDATE

Mr. Gowing spoke about MMA meeting several speakers Governors FY15. He attended the ACAT Grand Opening. The Chairman said that they will determine whether or not we need the 25th meeting later in the meeting. The January 30, 2012 is on. They will discuss the Manager's review after Town Meeting.

OPERATIONAL MINUTE

Mr. Ledoux reported on his attendance at the MMA Annual Meeting and the discussion of Local Aid and the Governor's budget. They will be increasing aid for Chapter 70. Chapter 90 money will be increased also and the Governor has ear marked 65 million in additional local aid if the States receipts come in higher. He attended workshops about using social media and labor law.

PUBLIC HEARINGS & APPOINTMENTS

CHANGE OF MANAGER, NOT YOUR AVERAGE JOE'S

Lisa DeLong the proposed new Manager. Ms. Harting- Barrat asked about the length of service of the General Manager's serving in Acton. They noted that they have 16 stores and the Managers tend to move around the locations she noted that out of their 16 stores, Acton is their premiere location. Mr. Clough asked about any changes that would be noticeable she said no. Mr. Gowing noted the recent ABCC sting that they are waiting for news from ABCC regarding actions taken. Ms. Adachi – Moved to approve the change of manager to Ms. DeLong. Ms. Harting-Barrat - second. Roll Call taken, All Ayes UNANIMOUS VOTE

LEASEFAX, APPLICATION FOR A CLASS I NON-DISPLAY LICENSE, ERIC GILFLIX, 41 HAYWARD ROAD

He hopes to continue using his home based business and would like continue and it would stream line his business. Mr. Clough asked about sales tax. Mr. Gilfax said the customers pay

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through the lease company. Ms. Harting-Barrat – Moved to approve. Mr. Clough, second. Roll Call taken, All Ayes UNANIMOUS VOTE

SITE PLAN SPECIAL PERMIT, 7/6/2011-433, 65 POWDER MILL ROAD AKA 40 SUDBURY ROAD, HEARING CONTINUATION

Mr. Sonner asked about the Engineering response and open items he was concerned with regarding plans not matching. He asked if there were any outstanding issues and has the loop been closed with Engineering Department's review.

Mr. Clough asked about the engineering comments and they have concerns and he wanted to know how this actually gets done. Mr. Gowing noted that any outstanding issues would be caught in building permit process. He noted pervious and impervious surfaces. They made everything impervious and adjusted the engineering to address the Storm Water plans.

Ms. Harting-Barrat asked if Roland had any outstanding issues. He noted a few items left on Engineering Department's issues and felt if they do what Engineering noted he feels they can be addressed in a conditional approval and the decision would be drafted by Planning and it would have all the items tied to the Building Permit. He noted a discussion about sidewalks and he feels no sidewalks would be needed. He is not sure where they could fit the sidewalks if we asked for them. They bylaw does not require a sidewalk condition, just gives the Board authority. He noted questions and fire hydrants and fire access can be provided to the site. There is room for ambulance and delivery vehicles and not suited to Fire Truck use.

Ms. Harting-Barrat would like assurances that all the issues again be satisfied with building, fire, etc.

Ms. Adachi was concerned with the slope. She is concerned about the wetlands and some control to prevent erosion. They have addressed this with plantings. She also asked about the access way and was it paved all the way in? She also asked why they were building there as the land is so difficult and the many problems on the site. She asked about how much impervious surface was on site. Mr. Donohue said they will be increasing impervious to 5,000 sq. t. Ms. Adachi asked about potable water and they want to make a connection to Sudbury Road water line.

Chip Orcutt 58 Wood Lane, leasing agent for the abutter's property. He feels that items were not answered and feel that there are pending zoning and water issues. He does not want to have it look like Knox Trail and it would impact their building. He feels that by going forward he is stuck with a property with an eye sore on the back on their property. He asked about landscaping and did not want to look at a 30 ft. wall. He asked about the proposed well. Mr. Donohue said they are looking to connect to town water. If not, the well will be put on his land. Mr. Orcutt wanted language addressing traffic and that it does not become a Knox Trail.

Mr. Clough asked about DRB looking at it. Mr. Gowing did not want to add another step as it is not seen from the street. Mr. Bertolami noted he would go before DRB

Ms. Rosenzweig Morton, resident Marshall Path – This is the public hearing portion and whether it was to be voted tonight.

Ms. Adachi was not comfortable with voting tonight and has several issues still outstanding.

Board of Selectmen's Minutes

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Roland Bartl wanted to get feedback on issues from the Board for the draft decision. Ms. Adachi wanted Engineering to be satisfied.

Mr. Gowing wanted fire sign off and hydrant location, and Engineering on the slope issues

DESIGN REVIEW COMMITTEE

Mr. Star outlined the documents and multi-units of four units or greater. They have updated the guidelines to reflect Multi- Family four or more and Town of Acton property. They want to make it user friendly have changed to bullets.

The benefits of DRB to BOS and design individuals are to help you understand the plans and they can bring these projects to life for you to better understand them and make it more understandable.

Ms. Harting-Barrat asked about what Mineke would look like if DRB gave input.

Ms. Adachi noted that it has been expanded to include residential was approved a year ago by the previous Board. With regard to the Mineke building, she said DRB said the e building was hopeless, but once the panels went in with the lights and lattice, it looked cute.

Mr. Sonner noted that the revised materials made it Clear and easier to use.

COMMON VICTUALLER LICENSE, AP PIZZERIA, INC. 168 GREAT ROAD

Ms. Adachi – Moved to Approve, Mr. Clough – second. UNANIMOUS VOTE - Roll Call, taken, All Ayes

SELECTMEN'S BUSINESS

RECOMMENDATION FROM THE SENIOR CENTER BUILDING COMMITTEE TO CREATE A SUB-COMMITTEE TO STUDY A COMMUNITY CENTER

Mr. Gowing of the Senior Center Building Committee said the SCBC would like to add a sub-committee appointing Peter Ashton, Paulina Knibbe and Ann Chang, Sharon Smith McManus, involved with Danny's Place, Amy Yadav of AFN, Bridget McKeever Matz of the Recreation Commission. Ms. Harting-Barrat asked if she could sit in on the meetings, she said she would like to be the liaison to the sub-committee and the board agreed.

Ms. Knibbe said they need to address the questions and issues. She felt there is more commonality in the community than we know. She said she believes we need to talk about it.

Mr. Clough wanted to be sure the board sees/review the charge. He wants to be sure the Board sees this.

Ms. Knibbe asked how this proposal addresses community space and more uses in the future. She said we need to know where the Board wants to go.

final

Mr. Ingram asked what questions we are asking the sub group to answer. Mr. Gowing said we need to see what the community uses might be and it could be used for if we did nothing.

Mr. Ingram asked about spending \$144,000 for design and if the process proceeds and the citizens want a full blown community center. Mr. Gowing said the charge was to design a community center and there is no community center group with plans. These are just people talking about what they would like to see and it may be in fact people at town meeting don't support the plan.

Ms. Adachi – Moved to commission a sub-committee consisting Peter Ashton, Paulina Knibbe, Ann Chang, Sharon Smith McManus, Amy Yadav, Bridget McKeever Matz and appoint Ms. Harting-Barrat as the Liaison to the committee. Mr. Gowing – second. UNANIMOUS VOTE, Roll call taken, All Ayes.

UPDATE BOARD ON ALG

Mr. Ledoux updated the Board about ALG and consensus at ALG. They missed October Meeting under ALG rules so he said it put him behind. On Jan 12th to bring consensus and talk, Supt. Mills and his Business Manager and he and John put together a straw man to get consensus. Only thing they agreed to was \$1.2 Million in to OPEB.

Mr. Sonner said that we be clear and list the different scenarios both aggressive and less aggressive on OPEB funding issues. We need to be more specific in what we do with OPEB.

Mr. Clough noted he feels OPEB is underfunded and we need to move extra monies to OPEB.

Ms. Adachi wanted to preserve our AAA bond rating. Mr. Gowing noted that we start to address this now and we are meeting our obligations to retirees. We need to have a plan going forward.

UPDATE THE BOARD ON HEALTH INSURANCE WORKING GROUP

Mr. Ledoux discussed the formation and what they have done. The group liked scenario one and scenario 3. The Unions like the informal meetings and could get results from unions within two weeks. He wanted to make sure that they were on the right path and the money will not come back to the town all at once. Steve discussed the savings in years 1-7. In the packet there were materials regarding Segal Study costing out the savings and other changes. Steady increases in savings and we increase more and \$700,000 in FY16 for the town only not the region. If everyone is comfortable we will have them take it back to the unions. Ms. Adachi talked about what happens if there is no unity.

Retiree contribution 50/50 currently and Medicare can we do 75/25 for the retirees and after 65 50/50 on Medicare. Steve felt it may not be legal.

Mr. Ledoux asked if the Board agreed with the layout of what he proposed. Mr. Clough asked about mitigation issues. Mr. Gowing felt we need to have more education and to invite professionals in to explain it to the group.

Mr. Clough noted mitigation go into health insurance fund and would like to have Segal price it out for deductible under #6

final

Ms. Harting-Barrat liked Mr. Clough's idea and it makes a lot of sense. Mr. Gowing also agreed. Ms. Adachi felt it is good to come back with feedback.

SELECTMEN'S REPORTS

Mr. Sonner – Civics' Bee, Manager will look into the team forming. MAPC hired traffic study redesign of the station and noted it was a positive impact on traffic flow.

Mr. Clough – Attended Chamber of Commerce meeting and Chapter 69 development discussion. ECD ideas privatization and one town can complain on line. Fin Com preliminary presentation and are focused DRB. ECD cancelled did not have meeting posted correctly and noted the MLK breakfast was great.

Ms. Harting-Barrat – Nursing Service has flipped into action and asked them to provide materials The Friends of the ANS are handing out flyers to dr. offices and many places that did not know we had a nursing service. There has never been marketing of our service. They will present at town meeting and monitor folks with Congestive Heart Failure. Wellness University, Friends have pledged money for gifts and marketing items. Fans will send out a letter two weeks before town meeting. She noted that Planning Articles will be brought to Town Meeting including Drive Thru.

Ms. Adachi – COD met and they want a bigger role in town. Ms. Adachi felt they need to focus on what they do well. CPC last presentation this week. Heard from Dean Charter about his projects and Nancy Tavernier for Coordinating Services for ACHC. HDC loan funding is still in discussion. Reported on attendance at MMA and the Breakfast and ACT was great as well as the Chinese New Year Celebration.

Mr. Gowing - Reported on MBTA and deficits and they will increase fares and reductions in service to just get them back to a better situation. Mr. Gowing noted the requested need for service especially in light of the capital expenditure in Acton. HDC work with EDC to update sign enforcement in the Historic District. Spoke about service level for LRTA and combined use with Maynard.

CONSENT

Hold CIS – Mr. Gowing

Ms. Adachi – Moved to approve. Ms. Harting-Barrat – second. UNANIMOUS VOTE

Move to adjourn 11:15 p.m.

Christine Joyce, Recording Secty

Clerk
Date:_____

**BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING
January 9, 2012**

**Acton Town Hall
Francis Faulkner Hearing Room
7:00 P.M.**

Present: Mr. Gowing, Ms. Harting-Barrat, Ms. Adachi, Mr. Sonner and Mr. Clough. Town Manager Ledoux, Recording Secretary Christine Joyce. The meeting was televised.

CITIZENS' CONCERNS

Ann Chang reminded Town boards to submit their reports to the Town Report Committee for inclusion in the 2011 Annual Town Report.

CHAIRMAN'S UPDATE

Mr. Gowing noted that 2/2 was the deadline for the Selectmen to approve the FY13 budget for the Town warrant, so if the Board needed more information, additional meetings might be necessary.

OPERATIONAL MINUTE

Mr. Ledoux reported that the Health Insurance Working Group has been meeting every Wednesday, 3-5 p.m. The last two meetings included presentations by health insurers; discussion of plan design will begin at the next meeting. The Human Resources directors for the Town and Schools met this morning and put together three potential designs to stimulate discussion. On Thursday the Fire Chief will be attending a meeting about the final report on the regional dispatch study. The Acton Leadership Group has not achieved consensus on a number of issues—revenues, expenditures, split, etc.; it will be difficult for the Selectmen to decide on the budget without that guidance. Dore Hunter, the Town's representative to the MBTA Advisory Committee, reported that at this morning's meeting, the Executive Director outlined possible service changes, including the possible discontinuation of service after 10:00 p.m. and on weekends, and substantial fare increases.

PUBLIC HEARINGS & APPOINTMENTS

BEYOND BORDER TEX MEX RESTAURANT, Inc., 103 Nagog Park

Application by restaurant-owner Mr. Josely Nogueira for a common victualler's license. The restaurant is at the location of the former Daniela's Cantina. He has over 24 years' experience in the restaurant business. The business hours will be the same as for Daniela's but Mr. Nogueira intends a family restaurant and currently does not plan to have entertainment. Mr. Sonner – Moved to approve. Ms. Harting-Barrat – second. UNANIMOUS VOTE

GREEN ACTON

Debby Andell, Sue Cudmore and other Green Acton representatives discussed the Drop Swap event in May. The event provides citizens with a way to “re-purpose” items that they no longer need. Vendors also are present to take items away to services such as Household Goods. The event keeps a lot of items out of the waste stream. Green Acton would like the event to be Town-sponsored, with promotions via the Town’s e-mail list, Lamplighter, Housing Authority, and provision of a truck at the end of the event for hauling leftover materials to the Transfer Station.

Mr. Ledoux said the Town could send out a press release and the Highway Department Superintendent was prepared to drop a roll-off container at the Drop Swap site and pick it up later.

Mr. Sonner – Moved to make the Drop Swap an annual Town-sponsored activity. Ms. Harting-Barrat – second. UNANIMOUS VOTE

REPORT OF THE SENIOR CENTER BUILDING COMMITTEE

Peter Ashton, Committee Chairman, and Sharon Mercurio, the Senior Center Director, provided a report on the work of the Committee since it was reconstituted in 2011. The senior population is the most rapidly growing segment of Acton’s population and will number 6,000 by 2030, representing 25% of the population. The Selectmen formed the Senior Center Expansion Committee in 2007 to study the future needs of seniors. The Expansion Committee decided that the current Senior Center could not meet the Town’s long-term needs and evaluated potential sites for a new center, ultimately selecting a site on the left side of Quarry Road, next to NARA; the Expansion Committee also considered leasing space, expanding the existing Center or collaborating with other towns. The Expansion Commission issued a report in January 2009. Further work was suspended during the economic downturn, with the Selectmen reconstituting the Committee as the Senior Center Building Committee last summer. The Building Committee has been meeting regularly since June, and has updated its data and collected public input via the Acton 2020 process.

Other municipalities have completed new centers or recently approved plans for design or design and construction work. In Acton, use of the center has increased about 4% a year with 1,200 seniors served. The current building is ill-suited for the current uses, the septic system limits the ability to provide hot meals, and parking can be a problem. The Building Committee has considered other sites, the possibility of satellite locations for activities. Public outreach regarding possible community use continues. The Center is doing an updated survey of the senior population. The updated cost of a new center would be \$7.7 million; operating costs would be in the \$200K range. The Town Manager’s budget includes a request for \$140K at Town Meeting for a design-feasibility study, including \$15K to explore possible layouts. The request for construction funding tentatively would be at 2014 Town Meeting.

Public feedback about potential community use has covered a wide-range of potential uses. The Building Committee needs more guidance about what community use should be, and suggests the formation of a subcommittee focusing on the community-use issue.

Final

The Building Committee also would like guidance as to what outreach the Committee should be doing in the next couple of months. The Committee has discussed having a public forum.

Alan Nitschelm presented his own analysis on the Senior Center issue, starting with his examination of the 2009 report, which did not convince him of the need to go forward with the project. The oversubscription of the parking area is a justification for moving forward, but the data indicate that 10% of the time, the lot is busy, but 90% of the time it is not. Plus the report indicated that two additional lots could be built, so if parking is the problem, it would be better to build two parking lots than relocate the space. The need must be demonstrated before we move forward. If the Center is very busy, there are other options for mitigating the problem, such as using other space for activities.

Mr. Gowing asked for comments. Ms. Harting-Barrat asked for Sharon's thoughts on Mr. Nitschelm's report.

Mr. Sonner asked for additional data on use. He asked how the use by one-third of the senior population compared to other towns; Ms. Mercurio said that it compares favorably to other towns, where if you build it, they will come. He asked about packaging the proposal for design and construction as part of an override at Town Meeting; Mr. Ashton said that the Town's normal approach is do the design component first.

Mr. Clough was in favor of a community center, noting the benefit when the high school agreed to open up the gym. He asked about the capacity of the large room, and about the locations of the parking at the top and bottom.

Mr. Gowing asked Mr. Sonner whether any Acton 2020 member could help in evaluating possible community use. He asked if the 2009 data had been updated: yes. Mr. Gowing agreed that there needs to be a better sense of what a community center is.

Ms. Adachi asked whether the users in the charts were collective users or unique users: collective. She asked whether the ongoing survey was reaching out to the 2/3 of seniors who are not currently using the Senior Center: yes. She suggested that a center appealing to a broader range of people could be more appealing.

Ms. Harting-Barrat emphasized the importance of the wording of the survey. She expressed concern about what seniors currently using the Center would think about driving to NARA, mixing with other generations. She asked about alternatives to taxing for funding the project. She asked about the size of the proposed site: about 12 acres.

Mr. Sonner asked about the impact on the capital and operating expenses if the project expanded from a senior center to a community center. Ms. Mercurio said that the idea of expanding the users was quite new but an initial concern was with staffing. Mr. Sonner recommended including a skeptic on the new subcommittee.

Mr. Calendrella agreed that there should be a public forum. He added that ActonTV has a lot of useful space at its new facility. He noted finally that seniors like him do not use the center because they are very busy with other things.

Mr. Gowing suggested that some public service announcements at ActonTV would be a good idea.

WALKER REALTY TRUST

Mr. Gowing provided an overview of the dispute. Walker Realty most recently has presented a new proposal that does not comply with the zoning bylaw in three respects and is before the Zoning Board of Appeals for a waiver. Town Counsel Nina Pickering Cook explained that the proposal involves Walker Realty's purchasing the Kennedy Landscaping property and flipping the location of the proposed one-story childcare to the Kennedy parcel. The Zoning Enforcement Officer has found that the proposal does not comply with three sections of the zoning bylaw. If the ZBA were to grant Walker Realty waiver, there would be no reason for Walker Realty to continue the pending dispute in Land Court. Mr. Ledoux said that the ZBA is seeking guidance from numerous boards, including the Selectmen.

The Selectmen agreed that traffic management remains a significant concern, the latest proposal is not significantly different from prior proposals and they are not inclined to support the new proposal. Ms. Pickering Cook noted that the Selectmen are addressing the best interests of the Town, while the ZBA's focus will be far narrower.

Alan Nitschelm said the latest proposal is quite different, the applicant is trying to be flexible, and the Selectmen should consider having an Executive Session to work out a compromise.

Sid Levin said the area is zoned residential and state law allows daycare centers in residences. He said the zoning bylaw square-footage limitation is reasonable, Walker Realty is proposing to put a commercial development on a residential property, which is wrong. If the developer can do that, there is no point in having zoning requirements.

Amy Yadav, 4 Smart Road, works with pre-school facilities that are facing low enrollment and have serious concerns about the prospect of a large facility opening up.

Matt Post, 6 Isaac Davis Way, which abuts the Walker site, said he tried to work with Walker but the fence and trees are not as promised.

Peter Ashton asked about the possibility that the two appeals would be combined. Ms. Pickering Cook said that was technically possible but unlikely; it is more likely that the original proposal would go to trial in March. Mr. Ashton asked whether the Town had explored purchasing the land, as the resolution approved at 2011 Town Meeting had urged. Ms. Pickering Cook said the Town had determined that purchase by eminent domain was not feasible. He said the resolution made clear that the Town did not support the project, the Town had modified the zoning bylaw to address childcare facilities, and the Selectmen should make those points to the ZBA. The new proposal is little different from the prior proposal and, as one story, has a larger footprint, with three curb cuts. He also sees issues with the proposed transfer of the Kennedy land. Kennedy operates two businesses, a nursery and landscaping business and the agricultural exemption applied to the nursery, not the landscaping business.

Kim Meusal, 11 Jackson Drive asked the Board not to support this.

Charlie Kadlec urged residents watching on television to send their comments to the ZBA.

Final

Ms. Harting-Barrat – Moved that the Board of Selectmen send a letter to ZBA stating that the Board oppose the proposal for the reasons noted in its 2009 letter. Mr. Sonner – second – UNANIMOUS VOTE

SELECTMEN'S BUSINESS

BOARD OF SELECTMEN'S BUDGET SATURDAY RECAP

Mr. Gowing asked Board members for comments. Ms. Adachi said we have some difficult choices to make. Ms. Harting-Barrat noted the need for more policemen. Mr. Clough said we have a lot of work to do and are just beginning. Mr. Sonner said the most interesting part was the discussion of Other Post Employment Benefits (OPEB). Mr. Gowing expressed concern that Town staff members were not requesting items that they really needed; Mr. Ledoux agreed.

The Board agreed on an additional meeting later in the week and after the 1/23 meeting. Mr. Ledoux noted that the Governor's budget will be announced at the upcoming Massachusetts Municipal Association annual meeting. The extra meeting will be either 1/25 or Monday, 1/30.

REMOTE PARTICIPATION RULING – CONTINUED DISCUSSION

Mr. Gowing circulated a “straw man” draft set of guidelines for input from the Board. Mr. Sonner asked about the suitability of locales other than Town Hall for remote participation. The Library, Public Safety Facility and other municipal buildings can handle remote participation. Mr. Sonner asked which of the proposed guidelines were from the state regulations and which were options that would apply to Acton only. Ms. Adachi suggested stripping out most of the legal references. Mr. Sonner suggested that the Board take another look at the issue in six months, perhaps at the next All-Boards-Chairmen meeting. The Selectmen agreed with the draft conceptually.

Ms. Harting-Barrat – Moved to accept the Remote Participation Guidelines. Mr. Sonner - second UNANIMOUS VOTE

SELECTMEN'S REPORTS

Mr. Sonner – SATSAC issued a press release outlining plans; groundbreaking is in June. He noted with respect to OPEB that the issue is how much we should be setting aside; the Finance Committee has recommended \$500K for FY13, but the Segal report suggests \$5 million, which would have a significant impact on the operating budget.

Mr. Clough –The Finance Committee has been discussing OPEB and has issued its Point of View document. The Design Review Board would like to weigh in on the “friendly” Chapter 40B project, The Meadows, on Great Road. The Historic District Commission and Economic Development Committee will be scheduling a joint meeting on the sign bylaw. The Open Space Committee is looking for a part-time conservation-restriction observer (2-4 hours/week).

Mr. Gowing – There already has been discussion of the Senior Center. He will be attending a commuter-rail meeting in Fitchburg on Friday and would like a copy of the SATSAC press release. He will be attending an RTAC meeting tomorrow, where the latest TIP list will be under review. The big project in our area is the Crosby's corner 65M start next yr, other two projects are ARRT—TIP 2016-2020 and BFRT 20-24.

Final

Ms. Harting-Barrat –Planning Board is looking at a CVS proposal for new facility with drive-through windows.

Ms. Adachi – The Acton-Boxborough Cultural Council is meeting tonight to continue its review of grant applications. The Acton Community Housing Corporation and the Commission on Disability both will meet on 1/12. The Community Preservation Committee will meet on 1/19 and 1/26 to hear project presentations, after which the committee will deliberate and decide its recommendations for the Town Meeting warrant; Ms. Adachi has had several meetings with Town management and the HDC Chairman Kathy Acerbo-Bachmann about the HDC loan proposal, which everyone agrees is conceptually very appealing but perhaps not ready to move forward this year. Mr. Ledoux already has reported on the HIWG. In response to Mr. Clough's report, Ms. Adachi said the DRB's review required a permitting board's authorization, and probably was unnecessary with respect to the Acton Meadows.

CONSENT

Ms. Adachi – Moved to approve. Mr. Sonner – second. UNANIMOUS VOTE

Move to adjourn 10:00 p.m.

Christine Joyce, Recording Secretary

Janet K. Adachi, Clerk

Date: _____